

SECOND REGULAR SESSION

# HOUSE BILL NO. 2047

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JONES (89) (Sponsor),  
FUNDERBURK AND GRISAMORE (Co-sponsors).

4807L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 414.072, RSMo, and to enact in lieu thereof two new sections relating to motor fuel training and equipment.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 414.072, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 319.130 and 414.072, to read as follows:

**319.130. 1. The board, in collaboration with the department, the department of agriculture, and impacted portions of the private sector, shall by rule create, fund, and maintain an underground storage tank operator training program that satisfies at a minimum the federal requirements for such training program.**

**2. The board shall offer the underground storage tank operator training program at no cost to required participants and may contract with one or more third parties to carry out the requirements of this section.**

**3. The board shall meet the requirements of this section only after holding a public hearing and determining by vote that state action is required.**

**4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be**  
17 **invalid and void.**

414.072. 1. At least every six months, the director shall test and inspect the measuring  
2 devices used by any person selling an average of two hundred or more gallons of gasoline,  
3 gasoline-alcohol blends, diesel fuel, heating oil, kerosene, or aviation turbine fuel per month at  
4 either retail or wholesale in this state, except marine installations, which shall be tested and  
5 inspected at least once per year. **The department shall disregard the manufacturer's**  
6 **expiration date, if any, and shall instead continue to require the replacement of motor fuel**  
7 **measuring devices and dispensing equipment only when it fails inspection. The**  
8 **manufacturer's expiration date on motor fuel measuring devices and dispensing equipment**  
9 **shall not impose any new or additional liability on motor fuel retailers and wholesalers.**

10 2. When the director finds that any measuring device does not correctly and accurately  
11 register and measure the monetary cost, if applicable, or the volume sold, he shall require the  
12 correction, removal, or discontinuance of the same.

13 3. Notwithstanding any other law or rule to the contrary, it has been and continues to be  
14 the public policy of this state to prohibit gasoline and diesel motor fuel in a retail sale transaction  
15 from being dispensed by any measuring device or equipment that is not approved by the  
16 department of agriculture or the National Type Evaluation Program (NTEP). **Any modification**  
17 **to the way motor fuel is measured or dispensed in a retail sale transaction is prohibited by**  
18 **state rule or the automatic adoption of national standards or rules unless the modification**  
19 **is first specifically authorized and mandated by state law.**

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